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Letter dated 9 May 2000 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the communication from the Government of Burundi concerning the functioning of political parties, so-called political prisoners, assembly sites and freedom of the press (see annex).

I should be grateful if the communication could be treated as a document of the Security Council.

(*Signed*) Marc **Nteturuye**
Ambassador
Permanent Representative

00-42507 (E) 110500 110500

Annex to the letter dated 9 May 2000 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

The Ministry of Foreign Affairs and Cooperation of the Republic of Burundi presents its compliments to the diplomatic and consular missions and international organizations accredited to Burundi and has the honour to transmit to them herewith the communication of the Government of Burundi on the concerns expressed with regard to the functioning of political parties, so-called political prisoners, assembly sites and freedom of the press.

Bujumbura, 5 May 2000

Appendix

Communication on the concerns expressed with regard to the functioning of political parties, so-called political prisoners, assembly sites and freedom of the press

1. For some time now, certain political partners have been voicing concerns about the present functioning of political parties and the press, the problem of the sites for the protection of the population, and certain detainees who are regarded as political prisoners. It is therefore necessary to respond to these concerns impartially so that they can be approached on an objectively defensible and verifiable basis.

The Government of the Republic of Burundi therefore wishes to bring the following to the attention of national and international opinion:

I. Political parties

2. Burundi has established the principle of political pluralism. Currently, there are 14 registered political parties which participate actively in the political life of the country. They are governed by the Transitional Constitution and the law on political parties. As far as their internal functioning is concerned, each party is governed by its own statute and rules of procedure.

3. Some people have raised the issue of the ban on public demonstrations. For major security reasons, which are known to all, this ban applies not only to political parties but also to any other organization whose goal is not peace and reconciliation. The Transitional Constitution foresaw the danger of such demonstrations and provided for their inhibition in light of the need to restore peace and national cohesion (art. 60).

It should be noted that the Transitional Constitution received the support of all political and social forces, including the political parties, due to the fact that the National Assembly, which is governed by this Act, has been expanded to include all these forces.

4. Others have raised the issue of the harassment and imprisonment of political leaders. The relevant law states that political parties may freely carry out their activities in accordance with the law. However, members of political parties are subject, as are other citizens of Burundi, to existing laws and regulations. Today, no political leader is bothered because of his political affiliation.

5. Still others have spoken of Government interference in the internal management of political parties. It should be clear to national and international public opinion that the internal administration of political parties is the sole responsibility of the management organs of those same parties. The Government's role is simply to make sure that these parties comply with the laws and regulations to which they subscribed at the time they were set up. There is, therefore, no justification for certain members of political parties to blame the Government for their internal dissension.

6. Concerning access of political parties to the State media, there have been some complaints, now and again, about their access to national radio and television. Yet the leaders of these parties speak regularly and freely on radio and television. Even the opinions — in all their diversity — expressed by participants in the Arusha negotiations are regularly broadcast live on radio and television.

7. Rather than harassing political parties, the Government attaches great importance to their smooth functioning, particularly since they are called on to play a key role in the ongoing peace process and in the implementation of the peace agreements so long awaited by the Burundian people.

II. Political prisoners

8. According to legal doctrine and judicial precedents anyone who is deprived of his freedom for political reasons is a political prisoner. When tackling this subject, some politicians consider certain categories of ordinary prisoners as equivalent to political prisoners. These categories are as follows:

1. Persons arrested and prosecuted for the assassination of the late Mr. Melchior Ndadaye, Head of State, and his close collaborators;

2. Persons arrested and prosecuted for massacres committed since 1993 and referred to the criminal chambers;

3. Detained persons prosecuted in the joint chambers of the Supreme Court on charges of attempted assassination and plotting against the Head of State;

4. Prisoners who have been sentenced for having armed themselves against the State authority in the provinces of Cibitoke and in the Bujumbura municipal area;

5. Persons arrested for having participated in armed gangs or terrorist attacks.

9. These prisoners are all ordinary prisoners. Since 1993, the prison population has been increasing, rising from around 4,500 prior to 1993 to 10,200 at the start of 1999, as a result of the crisis which shook our country. It goes without saying that the Burundian judicial system was not prepared for such an increase.

10. Some partners tend to favour their unconditional release. The Government, for its part, considers that any such decision to interrupt the normal course of justice would be contrary to the law and would have nothing but disastrous consequences for the country.

As has already been pointed out, the Government acknowledges that it has not been doing very well expediting the mass of cases in recent years.

11. Accordingly, since 1999 the Government of Burundi has taken the following specific measures to reduce overcrowding in the prisons:

1. Arrangements have been made for judges to travel from Bujumbura to help those provinces which are overwhelmed with work: Ngozi, Gitega, Bururi and Rumonge;

2. Prison inspections have been stepped up so that persons who are not being held on serious charges may be released;

3. Conditional release is regularly granted to prisoners facing lesser charges;

4. The sessions of criminal chambers, which generally last one month, are being extended to two or three months so that defendants may be tried expeditiously.

These measures respond to a specific and urgent concern. They are designed to support the regular detention monitoring mechanisms that were strengthened through the enactment of a new Code of Penal Procedure.

The combination of all these measures and special mechanisms shows that remarkable progress is being made in this area. Thus, the prison population is now 8,700.

Moreover, the Government will be amenable to any approach that may be negotiated in the framework of a comprehensive settlement of the crisis as an outcome of the peace and national reconciliation process currently under way.

III. The situation of protected sites in rural Bujumbura province

12. The protected sites are a result not of a deliberate policy of concentrating the population but rather of a situation of insecurity. This measure was adopted to protect the population from acts of violence on the part of the armed bands and also to prevent people from being caught in the crossfire during clashes between the armed forces and the rebels. Any interpretation which contradicts this motive smacks of bad faith.

Moreover, a distinction should be made between the protected sites dating from 1993, in which the population has preferred to remain up to now, and the sites established since September 1999 following the renewed outbreak of insecurity in rural Bujumbura and the capital. It is the latter sites that are now the focus of attention in terms of the return to the hillsides of origin.

13. With regard to security, the Government re-evaluated the situation in January 2000 and found that it was once again relatively satisfactory. Accordingly, the dismantlement of the sites has been under way since February 2000. It is being carried out in consultation with the population itself and the pace will increase as the security situation becomes more reliable.

14. Management of the dismantlement of the sites is therefore influenced largely by the relative size of the population, the proximity of the site to the capital, the distance between the site and the property, the degree of security in the hillsides of origin and the choice of the population itself as to whether or not to return to the hillsides.

Dismantlement has been scheduled to take place in successive phases. At present nearly 100,000 persons have returned to their hillsides. It is to be hoped that this operation will be completed within two

months if security conditions so permit. The prospective direct talks between the rebels and the armed forces are encouraging in that respect.

IV. The functioning of the press in Burundi

15. There are public and private electronic and print media in Burundi. Burundians can express their views through the national radio and television networks and through some foreign media, such as the British Broadcasting Corporation, Radio France Internationale and the Voice of America, without fear. There is also a public press. It functions and is regulated in accordance with law.

16. Since July 1997 a Maison de la Presse has been operating to defend freedom of the press, and Burundian journalists have joined together in the Association burundaise des journalistes to promote their profession and better defend their interests. Here as elsewhere, the Government of Burundi attaches vital importance to the role of the media in re-establishing peace and national harmony.

17. The crisis in which Burundi is immersed has led to perverse attitudes on the part of some Burundian politicians, to the point of finding scapegoats for the internal deficiencies of their parties. The supposed restraints on the functioning of political parties or the media are false issues. Likewise, the question of so-called political prisoners is perceived subjectively. As to the protected sites, they are being dismantled gradually.

18. Rather than have the questions under consideration be frequently exploited for political purposes, it is the sincere wish of the Government of the Republic of Burundi that the discussion could take into account the genuinely verifiable evidence and remain open to all constructive suggestions.